IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V.RAMANA

WRIT PETITION NO : 31975 OF 1997

Between:

1. Mahammad Usman, S/o. Fareed, Muslim, aged about 60 years, Occu: Contractor, R/o. H.No.12-20-4/12, Prakashnagar, Narasaraopet, Guntur District.

2. Kolli Jayaramireddy, S/o. Thirupathireddy, Contractor, Hindu, aged about 60 years, R/o. H.No.5-13-13, 2/12, Brodipet, Guntur. 3. V.Seshagiri rao, S/o Venkata Subbaiah, Contractor, aged about 60 years, R/o. H.No.3/10, Krishna Nagar, Guntur.

4.S.M.Rahaman, S/o. Abdul Rahaman, Contractor, aged about 30 years, Chinnibazar, Guntur.

5.Vemulapati Veera Vasantha Rao, S/o. Rama Kotaiah, aged 32 years, Contractor, R/o. Vempadu Village, Prakasam District.

6.Ganapaneni China Anjaiah, S/o. Lakshmaiah, Contractor, aged about 45 years, R/o. Mundlanuru, Prakasam District.

7. Makineni Satyanarayana, S/o. Basavaiah, Contractor, aged 45 years, R/o. Srinagar, Addanki, Prakasam District.

8. Pothireddy Venkata Reddy, S/o. Veeraiah, Contractor, aged 43 years, R/o. Pandivanipalle Village, Yarragondapalem Mandal, Prakasam District.

9. Kamireddy Srinivasa Reddy, S/o. Venkateswara Reddy, Contractor, aged 33 years, R/o. H.No.9-9-8, Arundelpet, Narasaraopet, Guntur district.

10. E.Subba Reddy, S/o. Koti Reddy, aged 45 years, Vidyanagar, Guntur District.

11. K.Venkatasubba Reddy, S/o. Giovindareddy, aged 42 years, R/o. Duttaluru, Nellore District.

..... PETITIONERS

AND

1.The Superintending Engineer, Panchayat Raj Department,
Guntur.

(The claim against R.1 was dismissed for default as per Court order dated

6.09.2000)

2. The Superintending Engineer, Panchayat Raj Departmnet, Ongole, Prakasam District.

3. The Superintending Engineer, R&B Department, Guntur.

4. The Superintending Engineer, R&B Department, Nellore.

5. The Superintending Engineer, R&B Department, Eluru, West Godavari District.

6. The Superintending Engineer, Public Health Department, Guntur.

7. The Superintending Engineer, Public Health Department, Nellore.

8. The Superintending Engineer, Irrigation Department, Guntur.

9. The Executive Engineer, Marketing Department, Guntur

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents as arbitrary, illegal and violation of Art.14 and 19(1) (g) of Constitution of India in insisting the petitioner for depositing the EMD in the shape of National Saving Certificates or Postal Term Deposit schemes at the time of sale of tender schedules to the petitioners and consequently direct the respondents to accept the EMD in the shape of Demand Drafts and not to insist for the deposit of EMD at the time of sale of tender schedules.

Counsel for the Petitioner: MR.K.Venkateswarlu

Counsel for the Respondents: G.P. FOR Roads and Building.

The Court made the following:

ORDER

This Writ Petition is filed questioning the action of the respondents in insisting the petitioners to deposit the EMD in the shape of National Saving Certificates or Postal Term Deposit schemes at the time of sale of tender schedules.

This Court while admitting the writ petition granted interim direction in W.P.M.P.No.37515 of 1997, dated
02-12-1997, to the respondents not to insist the petitioners to deposit EMD at the time of sale of tender schedules.

Learned counsel for the petitioner called absent. The learned

Government Pleader for Roads & Buildings appearing on behalf of the respondents submits that the cause in this Writ Petition does not survive and it has become infructuous.

Accordingly, the Writ Petition is dismissed as having become infructuous. No costs.

31-03-2005

Hsd

Asst. Registrar

To

1.The Superintending Engineer, Panchayat Raj Departmnet, Ongole, Prakasam District.

2.The Superintending Engineer, R&B Department, Guntur.

3.The Superintending Engineer, R&B Department, Nellore.

4.The Superintending Engineer, R&B Department, Eluru, West Godavari District.

5.The Superintending Engineer, Public Health Department, Guntur.

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7.The Superintending Engineer, Irrigation Department, Guntur.

8.The Executive Engineer, Marketing Department, Guntur

9.2 CCs to the G.P for Roads and Buildings, High Court Buildings, Hyderabad. (OUT)

10. 2 CD copies.